

Response to Election of Species Requirement

In the Office Action mailed 15 December 2010, the Examiner requires Applicant to election a single disclosed species for each of the following under 35 U.S.C. 121:

- a) viscosity-modifying substance (thickening polymer) selected from the list recited in claim 2,
- b) hair-care or hair-setting substance selected from the lists recited in claims 3-6, 10, or 20-23,
- c) silicone compound selected from the list recited in claim 7, and
- d) surfactant selected from the list recited in claim 11.

In response to the Election of Species Requirement, Applicant elects the following species **with traverse**:

- a) hydroxypropylcellulose as the species of viscosity-modifying substance,
- b) vinyl acetate/crotonic acid copolymers (INCI name: VA/crotonates copolymer) as species of hair-care or hair-setting substance,
- c) phenyl trimethicone as species of silicone compound, and
- d) PEG-40 hydrogenated castor oil as species of surfactant.

Claims 1-3, 7-9, and 11-19 are readable on the elected species.

Grounds for Traversal:

The present application is a national stage entry under 35 U.S.C. 371. Accordingly, PCT restriction practice under PCT Rule 13.1 applies and a restriction/election requirement under 35 U.S.C. 121 is not proper.

Claims 1-23 are all drawn to hair-treatment agents containing a terpolymer constructed from vinylpyrrolidone, methylacrylamide, and vinylimidazole. The Examiner has not specified reasons why claims 1-23 lack unity of invention or evidence that hair-treatment agents containing a vinylpyrrolidone, methylacrylamide, and vinylimidazole terpolymer do not represent a contribution over the prior art.

In view of the foregoing argument, Applicant respectfully requests that the election of species requirement be withdrawn.

Conclusion

The application is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully Submitted,

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